

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

CHRISTOPHER C. LUKE

PLAINTIFF

VS.

CIVIL ACTION NO. 3:14cv240 DPJ-FKB

NESHOBA COUNTY, MISSISSIPPI, ET AL.

DEFENDANTS

DEPOSITION OF KENNETH SPEARS

Taken at the instance of the Plaintiff at

Wade White, PLLC

501 West Main Street

Philadelphia, Mississippi

Wednesday, April 1st, 2015

Commencing at 1:05 p.m.

Reported by:

Katherine Lusk, CCR 1731

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 COUNSEL FOR THE PLAINTIFF:</p> <p>4 ROBERT O. WALLER, ESQUIRE</p> <p>5 WALLER & WALLER</p> <p>6 220 South President Street</p> <p>7 Jackson, Mississippi 39201</p> <p>8 Post Office Box 4</p> <p>9 Jackson, Mississippi 39205-0004</p> <p>10 Phone: (601) 354-5252</p> <p>11 Fax: (601) 354-2681</p> <p>12 bobwaller@wallerandwaller.com</p> <p>13</p> <p>14 COUNSEL FOR THE DEFENDANTS:</p> <p>15 STEVEN J. GRIFFIN, ESQUIRE</p> <p>16 DANIEL COKER HORTON & BELL</p> <p>17 4400 Old Canton Road, Suite 400</p> <p>18 Jackson, Mississippi 39211-5982</p> <p>19 4400 Old Canton Road, Suite 400</p> <p>20 Jackson, Mississippi 39211-5982</p> <p>21 Phone: (601) 969-7607</p> <p>22 Fax: (601) 969-1116</p> <p>23 sgriffin@danielcoker.com</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 KENNETH SPEARS,</p> <p>2 having first been duly sworn, was examined and testified</p> <p>3 as follows:</p> <p>4 MR. WALLER: Okay. This deposition of Spears is</p> <p>5 taken pursuant to notice and the Rules of Civil</p> <p>6 Procedure. Objections except as to form will be</p> <p>7 reserved for the trial in the matter.</p> <p>8 EXAMINATION</p> <p>9 BY MR. WALLER:</p> <p>10 Q. Mr. Spears, please state your name as it appears</p> <p>11 on your birth certificate?</p> <p>12 A. Kenneth Ray Spears.</p> <p>13 Q. What is your home address?</p> <p>14 A. 10541 Road 436, Union, Mississippi 39365.</p> <p>15 Q. How long have you lived at that address --</p> <p>16 A. Let me see.</p> <p>17 Q. -- roughly?</p> <p>18 A. That place there -- I mean, I was raised there on</p> <p>19 it. That's family land --</p> <p>20 Q. We'll just --</p> <p>21 A. -- and I built a house up there. About 56 years,</p> <p>22 I've been there in that --</p> <p>23 Q. Okay. We'll say lifetime, okay?</p> <p>24 A. Yes, sir, lifetime.</p> <p>25 Q. Okay. What is your date of birth?</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX</p> <p>2</p> <p>3 Style.....1</p> <p>4 Appearances.....2</p> <p>5 Index.....3</p> <p>6 Examination by Mr. Waller.....4</p> <p>7 Certificate of the Court Reporter.....12</p> <p>8 Certificate of the Deponent.....13</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 A. 8/5 of '58.</p> <p>2 Q. Happy birthday coming up to you.</p> <p>3 A. Yes, sir.</p> <p>4 Q. I'm the same age as you. High school, where</p> <p>5 did you go to high school?</p> <p>6 A. Neshoba Central.</p> <p>7 Q. Do you have any education beyond high school?</p> <p>8 A. No, sir.</p> <p>9 Q. Work history, how long have you been with Neshoba</p> <p>10 County?</p> <p>11 A. I'm in my 16th year as constable.</p> <p>12 Q. 16th year?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And that's an elected position?</p> <p>15 A. Yes, sir.</p> <p>16 Q. You've been elected four times?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Okay. You're married?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay. Children?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Names and ages, quickly.</p> <p>23 A. Kenneth Wesley Spears, I can't remember how old</p> <p>24 he is, 30 --</p> <p>25 Q. 30 something?</p>

2 (Pages 2 to 5)

<p style="text-align: right;">Page 6</p> <p>1 A. Yes, sir. And then Nathan Scott Spears, he's 26.</p> <p>2 Wesley will be 31, I believe.</p> <p>3 Q. Okay. Most of your relatives are in Union County</p> <p>4 or Neshoba County or both?</p> <p>5 A. Neshoba County.</p> <p>6 Q. Okay. Have you ever given a deposition before?</p> <p>7 A. No, sir.</p> <p>8 Q. Okay. We're here on an incident that occurred</p> <p>9 May the 28th of 2013, with Christopher Luke. I</p> <p>10 represent Christopher Luke regarding injuries he</p> <p>11 received in the jail on May the 28th. Do you have</p> <p>12 recollection of that day?</p> <p>13 A. Remember the day? When I seen the video, I</p> <p>14 remember them talking about it. I don't recall going</p> <p>15 back to the incident, but I -- I remember after</p> <p>16 seeing -- going in the booking area. It seemed like me</p> <p>17 and Ralph Sciple had been somewhere, and we come in the</p> <p>18 booking area. After they had got him in the cell room</p> <p>19 there, I went to the back and got him.</p> <p>20 Q. So what time -- would that have been -- you said</p> <p>21 you went back to the cell and got Chris Luke?</p> <p>22 A. No, no, I said I come in the booking area where</p> <p>23 they had brought him in the cell. He was in the holding</p> <p>24 cell. I guess they went -- they went and got him and</p> <p>25 brought him in there. I come in not long after he</p>	<p style="text-align: right;">Page 8</p> <p>1 BY MR. WALLER:</p> <p>2 Q. Detox?</p> <p>3 A. The drunk tank, detox, whatever it is. No, sir,</p> <p>4 I never did see Mr. -- I wouldn't know him now unless</p> <p>5 I'd seen, you know, pictures of him. I remember it's</p> <p>6 been a long time since I've seen him, but that day, I</p> <p>7 don't remember seeing him at all.</p> <p>8 Q. You -- you said you watched the video?</p> <p>9 A. Uh-huh (affirmative).</p> <p>10 Q. Okay. Why -- why did you watch the video?</p> <p>11 A. I don't know, just maybe that day or two after,</p> <p>12 they were showing, you know, where the --</p> <p>13 Q. What happened?</p> <p>14 A. -- inmate, you know, had hit him. Yes, sir.</p> <p>15 Q. You just happened to be there when they were</p> <p>16 looking at it?</p> <p>17 A. Yes, sir. That's correct.</p> <p>18 Q. You weren't asked to watch it or anything?</p> <p>19 A. No, sir.</p> <p>20 Q. Did you make or give a statement to anybody as to</p> <p>21 what you observed?</p> <p>22 A. No, sir.</p> <p>23 Q. And you didn't -- you didn't know Chris Luke</p> <p>24 then, and you don't know him now?</p> <p>25 A. I know his dad, and I've heard talk of him.</p>
<p style="text-align: right;">Page 7</p> <p>1 was --</p> <p>2 Q. All right. Did you -- were you involved in any</p> <p>3 of the --</p> <p>4 A. No, sir.</p> <p>5 Q. -- restraining or anything that was going on</p> <p>6 with --</p> <p>7 A. No, sir.</p> <p>8 Q. -- Chris Luke?</p> <p>9 A. No, sir.</p> <p>10 Q. Did you observe --</p> <p>11 MR. GRIFFIN: Make sure he finishes his question</p> <p>12 because she's got to take everything down.</p> <p>13 THE WITNESS: Okay. Yes, sir.</p> <p>14 BY MR. WALLER:</p> <p>15 Q. Did you -- did you -- were you involved in any of</p> <p>16 the activities? Did you view any of the activities?</p> <p>17 A. No, sir.</p> <p>18 Q. So when you saw Chris Luke, what kind of -- what</p> <p>19 kind of condition was he in?</p> <p>20 A. I did not see him. I know he was in the cell,</p> <p>21 and they was looking in at him when I come in, though.</p> <p>22 Q. Okay. And the door was shut?</p> <p>23 A. That's right, the door was shut, and they was</p> <p>24 checking on him, I guess.</p> <p>25 MR. GRIFFIN: Which cell are you talking about?</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. Danny? You know Danny?</p> <p>2 A. Danny, that's right, and we went to school, and I</p> <p>3 don't remember him in school.</p> <p>4 Q. But you never had any dealings with Christopher</p> <p>5 himself?</p> <p>6 A. No. No, never no dealings with Chris Luke.</p> <p>7 Q. What was your reason for you being at the jail</p> <p>8 that day?</p> <p>9 A. Unless I was -- well, we was out of school.</p> <p>10 Usually, I work at the school, and I might have been</p> <p>11 helping Ralph Sciple, our criminal investigator.</p> <p>12 Sometimes I help him when he's, you know, rounding up</p> <p>13 people or -- that's the only -- that day, I can't</p> <p>14 remember what day it was, but I know that I was -- I had</p> <p>15 come in with Ralph in the booking area, Ralph Sciple,</p> <p>16 unless I was with him that day. That would probably be</p> <p>17 the only reason I was at the jail that day. I can't</p> <p>18 recall if it was summertime or not, but, you know,</p> <p>19 summertime, school's out, so I help with the Sheriff or</p> <p>20 whatever, the serving process or whatever the Sheriff</p> <p>21 needs me to do.</p> <p>22 Q. For some reason, we have -- we thought that you</p> <p>23 were involved in the -- with Nick and Billy when they</p> <p>24 were -- and Keith when they trying to subdue Chris in</p> <p>25 the dayroom, but you were not involved in that at all?</p>

<p style="text-align: right;">Page 10</p> <p>1 A. No, sir. No, sir.</p> <p>2 Q. So you never had any -- any face-to-face contact</p> <p>3 with Chris Luke?</p> <p>4 A. No, sir.</p> <p>5 Q. Did you know William Smith, the fellow that hit</p> <p>6 Chris Luke?</p> <p>7 A. No, sir.</p> <p>8 Q. Do you work at all -- are you employed at all</p> <p>9 with Neshoba County, the Sheriff's Department?</p> <p>10 A. Yes, sir.</p> <p>11 Q. So you've worked as a constable and as a deputy?</p> <p>12 A. That's right. Yes, sir, part-time bailiff. I</p> <p>13 bailiff for the Sheriff. That's my main job.</p> <p>14 Q. You work in the courtroom?</p> <p>15 A. The courtroom, yes, sir, work the courtroom.</p> <p>16 Q. Courtroom, Justice Court?</p> <p>17 A. Yes, sir. Justice Court, Chancery Court, Circuit</p> <p>18 Court and serve process.</p> <p>19 Q. You're a court bailiff and a constable?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Okay. I got you. But you're not employed with</p> <p>22 the jail at all?</p> <p>23 A. No, sir. No, sir.</p> <p>24 Q. And haven't -- and haven't been -- you've --</p> <p>25 you've never worked for the jail?</p>	<p style="text-align: right;">Page 12</p> <p>1 CERTIFICATE OF THE COURT REPORTER</p> <p>2</p> <p>3 I, Katherine Lusk, Court Reporter and Notary Public,</p> <p>4 and for the State of Mississippi, hereby certify that</p> <p>5 the foregoing contains a true and correct transcript in</p> <p>6 the aforementioned matter at the time and place</p> <p>7 heretofore stated, as taken by stenotype and later</p> <p>8 reduced to typewritten form under my supervision by</p> <p>9 means of computer-aided transcription.</p> <p>10 I further certify that I placed the witness under</p> <p>11 oath to truthfully answer all questions in this matter</p> <p>12 under the authority vested in me by the State of</p> <p>13 Mississippi.</p> <p>14 I further certify that I am not in the employ of or</p> <p>15 related to any counsel or party in this matter and have</p> <p>16 no interest, monetary or otherwise, in the final outcome</p> <p>17 of this matter.</p> <p>18 Witness my signature and seal this the _____ day of</p> <p>19 _____, 2015.</p> <p>20</p> <p>21 /s/Katherine Lusk_____</p> <p>22 Katherine Lusk, CCR # 1731</p> <p>23 My Commission Expires:</p> <p>24 November 6, 2015</p> <p>25</p>
<p style="text-align: right;">Page 11</p> <p>1 A. No, sir. No, sir. Never -- never wanted to,</p> <p>2 uh-uh (negative).</p> <p>3 MR. WALLER: That's all. I tender the witness.</p> <p>4 MR. GRIFFIN: Okay. No questions.</p> <p>5 (DEPOSITION ENDED AT 1:13 P.M.)</p> <p>6 *****</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 13</p> <p>1 CERTIFICATE OF THE DEPONENT</p> <p>2 DEPONENT: Kenneth Spears</p> <p>3 DATE: April 1st, 2015</p> <p>4 CASE STYLE: Christopher C. Luke vs. Neshoba County,</p> <p>5 Mississippi</p> <p>6 I, the above-named deponent in the deposition</p> <p>7 taken in the herein styled and numbered cause, certify</p> <p>8 that I have examined the deposition taken on the date</p> <p>9 above as to the correctness thereof, and that after</p> <p>10 reading said pages, I find them to contain a full and</p> <p>11 true transcript of the testimony as given by me.</p> <p>12 Subject to those corrections listed below, if</p> <p>13 any, I find the transcript to be the correct testimony I</p> <p>14 gave at the aforesaid time and place.</p> <p>15</p> <p>16 Page Line Comments</p> <p>17 ____ ____ _____</p> <p>18 ____ ____ _____</p> <p>19 ____ ____ _____</p> <p>20 ____ ____ _____</p> <p>21 ____ ____ _____</p> <p>22 ____ ____ _____</p> <p>23 ____ ____ _____</p> <p>24 ____ ____ _____</p> <p>25 ____ ____ _____</p> <p>26 This the ____ day of _____, 2015.</p> <p>27</p> <p>28 Kenneth Spears</p> <p>29 State of Mississippi</p> <p>30 County of _____</p> <p>31 Subscribed and sworn to before me, this the ____</p> <p>32 day of _____, 2015.</p> <p>33 My Commission Expires:</p> <p>34 _____</p> <p>35 Notary Public</p>

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